

Message Text

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ACTION L-03

INFO OCT-01 EUR-25 IO-14 ISO-00 AF-10 ARA-16 EA-11 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 SY-10

USSS-00 CPR-02 DRC-01 /196 W

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P 190217Z OCT 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC PRIORITY 341

INFO AMEMBASSY PARIS PRIORITY

AMEMBASSY LONDON

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LONDON FOR NELSON

E.O. 11652: GDS

TAGS: PINS UNGA

SUBJ: UNGA: SIXTH COMITE - PROTECTION OF DIPLOMATS

REF: STATE'S 198026

1. MOIVINEAU (FRANCE) AT MEETING WESTERN DELS OCT 18
INDICATED FRANCE WOULD: (A) SEEK DELETION OF WORDS
"REGARDLESS OF MOTIVE" FROM OPENING PHRASE OF ART 2 OF
DRAFT CONVENTION ON PROTECTION OF DIPLOMATS WHICH READS:
"THE INTENTIONAL COMMISSION, REGARDLESS OF MOTIVE,
OF ..." (SEE REFTEL FOR ENTIRE TEXT OF ARTICLE AND
ARGUMENTATION); (B) INSIST, IN ADDITION, ON INCLUSION OF
NOTION OF MOTIVE (THAT CRIME AGAINST DIPLOMAT TO BE COVERED
BY CONVENTION BE COMMITTED BECAUSE OF HIS OFFICIAL STATUS).
SHE INDICATED THESE EFFORTS WOULD BE PURSUED IN LEGAL COMITE
DURING FIRST READING, AGAIN IN DRAFTING COMITE, AND
AGAIN IN LEGAL COMITE DURING SECOND READING.

2. ALTHOUGH IDEA OF FRENCH PRESSING MOTIVE (POINT B)

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IS NOTHING NEW, IT REMAINS PERNICIOUS AS IT GREATLY

COMPLICATES PROBLEMS OF PROOF, ENCOURAGES AFRICANS TO SEEK EXCEPTION FOR LIBERATION MOVEMENTS AND IN GENERAL CREATES LARGE LOOPHOLE. NEW IDEA OF ALSO SEEKING DELETION "REGARDLESS OF MOTIVE" IS, IF POSSIBLE, EVEN WORSE.

THOSE WORDS APPEAR IN HAGUE AND MONTREAL CONVENTIONS AND ILC DRAFT. TO DELETE THEM WOULD FORCE AFRICANS AND ARABS TO CITE NATIONAL LIBERATION MOVEMENTS AS AN EXCEPTION. IN SHORT, SUCH A DELETION WOULD MAKE CONVENTION VIRTUALLY WORTHLESS.

3. WE AND OTHER MEMBERS WESTERN GROUP HAVE MADE IT CLEAR SUCH A MOVE IS TOTALLY UNACCEPTABLE. FRENCH CLAIM DESIRE TO EXCLUDE FROM COVERAGE OF CONVENTION "CRIME PASSIONEL" IS REASON BEHIND THIS NEW MOVE. WE CONSIDER THIS A MINOR CONCERN COMPARED WITH MAJOR BENEFITS TO BE ACHIEVED BY CONVENTION IN TERMS OF PREVENTING ATTACKS ON DIPLOMATS. WE INCLINED BELIEVE THIS CURIOUSLY LATE FRENCH IDEA IS ANOTHER THINLY VEILED EFFORT TO KILL CONVENTION, PERHAPS MOST SERIOUS TO DATE.

4. WHATEVER GOF'S REASONS IT ESSENTIAL QUAI HAVE NO DOUBT THAT WE WOULD REGARD CONTINUING TO PRESS QUESTION OF MOTIVE IN COMITE AND, IN PARTICULAR, NEW MOVE TO DELETE "REGARDLESS OF MOTIVE," AS HAVING EFFECT OF TRYING TO KILL CONVENTION THEYBKNOW WE REGARD AS IMPORTANT AND WHICH THEY HAVE SAID THEY WILL NOT OPPOSE.

5. ISSUE WILL COME UP IN COMITE 3:00 PM NY TIME OCT 22.

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